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Letter dated 14 December 2017 from the Chair of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1373 (2001), and pursuant to paragraph 22 of resolution 2322 (2016), I have the honour to submit to the Council a report on the activities of the Committee, undertaken with the support of the Counter-Terrorism Committee Executive Directorate and its key implementing partners, aimed at promoting Member States' implementation of resolution 2322 (2016).

In accordance with the relevant Security Council resolutions, including resolutions 1373 (2001), 1624 (2005), 2178 (2014), 2195 (2014), 2253 (2015), 2322 (2016), 2341 (2017), 2354 (2017), 2368 (2017) and 2370 (2017), the Committee, with the support of the Executive Directorate, has continued to promote international cooperation in combating terrorism, including the activities of foreign terrorist fighters, as a central objective. Council resolution 2322 (2016) is the first to focus specifically on international law enforcement and judicial cooperation in countering terrorism.

In accordance with resolution 2322 (2016), as well as the other relevant Security Council resolutions, the Committee, with the support of the Executive Directorate, has strengthened its partnerships with a number of international, regional and subregional organizations through country visits, the Executive Directorate's assessment and analysis, and the organization of special meetings and other events. These activities have served to enhance international and regional law enforcement and judicial cooperation.

During the period under review (13 December 2016 to 12 December 2017), the Committee and the Executive Directorate worked to enhance international cooperation in counter-terrorism matters within the framework of country visits, ongoing assessment and analysis, meetings, and facilitation of technical assistance delivery. On 12 October 2017, pursuant to paragraph 21 of the resolution, the Executive Directorate submitted to the Committee a report on major gaps in international cooperation in counter-terrorism matters and recommendations for ways to address them.

The Committee would be grateful if the present letter and its attachment could be brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Amr Abdellatif Aboulatta
Chair
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex

Report on the activities of the Counter-Terrorism Committee and the Counter-Terrorism Committee Executive Directorate pursuant to Security Council resolution 2322 (2016)

The present report contains an overview of the activities of the Counter-Terrorism Committee, undertaken with the support of the Counter-Terrorism Committee Executive Directorate and its key implementing partners, aimed at promoting the implementation of Security Council resolution 2322 (2016), on the current state of international law enforcement and judicial cooperation related to terrorism.

In accordance with paragraph 22 of the resolution, the report addresses the 12-month period from 13 December 2016 to 12 December 2017. For ease of reference, the activities are listed according to the paragraphs of the resolution. Because of their cross-cutting nature, certain activities apply to more than one paragraph.

Paragraph 1: ratifying and fully implementing international counter-terrorism conventions and protocols

Whether within the framework of country visits, assessments, ongoing dialogue, or their partnership with the United Nations Office on Drugs and Crime (UNODC), the Committee and the Executive Directorate continued to encourage Member States to consider becoming parties to the international counter-terrorism instruments and to monitor progress achieved at the national, regional and global levels in the implementation of the international instruments and the relevant Council resolutions. During the reporting period, the Executive Directorate conducted 18 assessment visits to Member States on behalf of the Committee. The Executive Directorate also updated the Technical Guide to the implementation of Security Council resolution 1373 (2001) and other relevant resolutions, submitted to the Committee in June 2017. The Technical Guide notably serves as a reference tool for use by Member States and visiting experts within the framework of the Committee's country assessment visits. The importance of ratifying and implementing the international instruments is also stressed in the updated Technical Guide.

Paragraph 2: holding accountable those who have committed terrorist acts or violated international humanitarian or human rights law

The Committee and the Executive Directorate continued to support the Government of Nigeria in its efforts to identify gaps in its criminal justice response to terrorism. The Committee and the Executive Directorate are also supporting an initiative, led jointly with UNODC, aimed at assisting Member States in the Lake Chad Basin region to develop approaches to prosecuting, rehabilitating and reintegrating persons associated with Boko Haram. The Executive Directorate and UNODC also facilitated a regional programme on this topic for the Maghreb States.

Paragraph 3: sharing information, including biometric and biographic information, through bilateral, regional and global law enforcement channels

The Executive Directorate has established a cooperative relationship with the Biometrics Institute, which was founded in 2001 to serve as an independent and impartial international forum for the sharing of knowledge and information about biometrics. In December 2017, the Executive Directorate, the Counter-Terrorism Implementation Task Force and the Institute will launch a joint project for the development of a compendium of good practices and recommendations in this area.

The Executive Directorate also continued to facilitate the implementation of identified technical assistance needs in Iraq, in cooperation with the International Criminal Police Organization (INTERPOL), on the sharing of biometrics to create "black notices" to facilitate the identification and exchange of information received across borders. The Committee and the Executive Directorate also continued to facilitate and support counter-terrorism coordination and information-sharing in the Sahel region, including within the framework of the G-5 Sahel Security Platform. At the Committee's special meeting on the theme "Terrorist threats to civil aviation", held on 7 July 2017, the participants identified ways to strengthen and promote implementation of international aviation security standards and international cooperation in that regard. The Executive Directorate continued to work with the International Civil Aviation Organization (ICAO) to raise awareness of the ICAO Traveller Identification Programme (TRIP) strategy, which addresses the biometric verification process, quality control, management of errors and exceptions, and effective reading of biometric travel documents at the border. Through its close cooperation with ICAO and other partners, the Executive Directorate also supported the development of an international standard requiring all ICAO members to implement the advance passenger information system and conducted "deep-dive" missions to advise Governments on the development of such systems. The Executive Directorate and ICAO are currently concluding an agreement that will include a strategic joint action plan to further strengthen cooperation.

Paragraph 4: enacting and reviewing national counter-terrorism legislation in accordance with the evolving threat

On the basis of the Executive Directorate's assessment and analysis, and as highlighted in its reports on the foreign terrorist fighter phenomenon (S/2015/683 and S/2015/975) and its report to the Committee pursuant to paragraph 21 of resolution 2322 (2016), the Committee and the Executive Directorate continued to engage with Member States on the enactment and review of national counter-terrorism legislation. The Executive Directorate also addressed this topic in updating the Technical Guide, its assessments, and events.

Paragraph 5: downgrading intelligence threat data on foreign terrorist fighters and individual terrorists for official use

On 28 April 2017, the Executive Directorate assisted New York University in holding an event on the topic "International cooperation and downgrading for official use", which provided a platform for academia, Member States, and practitioners to share their views and challenges on this topic. The Executive Directorate also continued to participate in, and facilitate, the global Airport Communication Project (AIRCOP) to promote the sharing of intelligence and information. The goal of the project is to establish real-time operational communications between the international airports of Africa, Latin America, the Caribbean and the Middle East with a view to strengthening Member States' capacities to combat illicit activities, including terrorism. The Executive Directorate also continued to engage with the heads of special services, security agencies, and law enforcement and corrections organizations to identify good practices, and increase awareness of the practice of officially downgrading intelligence threat data on foreign terrorist fighters and individual terrorists in order to provide such information to frontline screeners such as immigration, customs and border security officials.

Paragraph 6: criminalizing terrorism financing and sharing information among States

The Executive Directorate supported meetings and workshops organized by UNODC, the Financial Action Task Force and Task Force-style regional bodies on this topic. In May 2017, the Executive Directorate provided substantive support for the joint workshop of the Eurasian Group on Money Laundering and Financing of Terrorism, the Anti-Terrorism Centre of the Commonwealth of Independent States and the International Training and Methodology Centre for Financial Monitoring on the "Exchange of experiences in detecting foreign terrorist fighters and application of targeted financial sanctions". The Executive Directorate also participated actively in the plenary meetings of the Eurasian Group and the meetings of its working groups, held in May and November 2017, and facilitated the delivery of related technical assistance to Member States visited by the Executive Directorate on behalf of the Committee, including Kyrgyzstan and Tajikistan. The Executive Directorate has worked with UNODC on the development of a methodology to conduct dedicated terrorism-financing risk assessment since April 2017. Pursuant to resolution 2331 (2016), the Executive Directorate has also engaged with Member States and relevant multilateral bodies, such as the Financial Action Task Force, to discuss the possible links between terrorism financing and human trafficking. This issue is also being gradually introduced into the Executive Directorate's dialogue with Member States within the framework of visits conducted on behalf of the Committee.

Paragraph 7: implementation of targeted financial and travel sanctions against terrorist groups and individual terrorists under resolutions 1373 (2001) and 2253 (2015)

The Committee and the Executive Directorate worked closely with the Analytical Support and Sanctions Monitoring Team pursuant to Security Council resolutions 1526 (2004) and 2253 (2015) concerning ISIL (Da'esh), Al-Qaida and the Taliban and associated individuals and entities, and Council sanctions committees to raise awareness of targeted financial and travel sanctions, including within the framework of Committee meetings and events, and the updated Technical Guide. The assessment and analysis of the Executive Directorate and the Committee have revealed that many Member States have criminalized the travel of foreign terrorist fighters, as well as the organization and financing of terrorist groups, and strengthened domestic inter-agency information-sharing in this area. The Executive Directorate also continued to work with the Asia-Pacific Group on Money Laundering to promote the strengthening of terrorist asset-freezing mechanisms, including the designation of terrorist individuals and entities, by States members of the Association of Southeast Asian Nations (ASEAN). The Executive Directorate continued to encourage States to update relevant information to expedite asset-freezing procedures. A total of 59 Member States have registered on the Executive Directorate's third-party terrorist asset-freezing contact database, launched in April 2016. On 12 and 13 December 2017, the Executive Directorate and the Financial Action Task Force held a practitioners' meeting on good practices in handling third-party requests. The Executive Directorate also assisted the United Nations Counter-Terrorism Centre in the Office of Counter-Terrorism in its efforts to deliver technical assistance in relation to asset freezing, including within the framework of the workshops held in January 2017 for the National Counter-Terrorism Commission of Tunisia, and in September for the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation, respectively. Within the framework of the assessment visits conducted to Tajikistan (February 2017) and Turkmenistan (November 2017), experts of the Monitoring Team recommended further efforts to strengthen the effectiveness of sanctions implementation, including the dissemination

of the ISIL (Da'esh) and Al-Qaida Sanctions List, engagement with the private sector and industry, and the empowerment of national security and law enforcement agencies. In November 2017, the Executive Directorate delivered a briefing to the Eurasian Group on Money Laundering and Financing of Terrorism at its plenary meeting on, inter alia, the relevant recently adopted Security Council resolutions, its analysis of counter-financing of terrorism issues, and the recent related reports of the Monitoring Team.

Paragraph 8: criminal investigations or criminal proceedings relating to the financing or support of terrorist acts

With regard to criminal investigations, the Executive Directorate paid particular attention to the risk that new payment products, including virtual-currency exchange platforms, and emerging social media may be abused for terrorism financing purposes, as well as the need to establish appropriate anti-money-laundering/counter-financing of terrorism/regulatory frameworks.

Paragraph 9: international cooperation to counter terrorism and foreign terrorist fighters from various perspectives

The Committee and the Executive Directorate supported international cooperation through, inter alia, the following activities:

- The Executive Directorate facilitated a project of the Global Center on Cooperative Security and the Association of High Courts of Cassation of Francophone Countries (Association des hautes juridictions de cassation des pays ayant en partage l'usage du français) aimed at providing a forum for Supreme Court justices and other senior judicial officials of the Sahel to discuss legal questions pertaining to the adjudication of terrorism cases in compliance with international and human rights law. (Study visits were conducted to two jurisdictions during 2017.)
- The Committee held an informal open briefing on the implementation of resolution 2178 (2014) by affected States of Western Europe on 27 March 2017. The briefing provided an opportunity for Member States to discuss the development of the terrorism threat in the region and identified good practices in stemming the flow of foreign terrorist fighters.
- The Committee held an open briefing on preventing terrorists from acquiring weapons on 17 May 2017, to help raise Member States' awareness of this issue. The Executive Directorate's ongoing assessment and analysis also identified gaps in Member States' capacities in this area.
- In February 2017, the Executive Directorate participated in a UNODC regional workshop for south-eastern Europe on strengthening international and regional cooperation in criminal matters relating to foreign terrorist fighters. During the workshop, the Executive Directorate shared the good practices in this area, as identified through its assessments and through information gathered from Member States.
- Working in close cooperation with the United Nations Mine Action Service, UNODC and INTERPOL, the Executive Directorate raised Member States' awareness of the need to prevent and counter the use of improvised explosive devices.
- The Executive Directorate and the Office of Counter-Terrorism also developed a joint project to enhance States' capacities in investigation and information-sharing aimed at preventing attacks against critical infrastructure.

Paragraph 10: ensuring that refugee status is not abused by terrorists

The Committee held an open briefing on denying safe haven to those who finance, plan, support or commit terrorist acts, or provide safe havens, and preventing terrorists from abusing the asylum system, in conformity with international law on 5 April 2017. The participants — including INTERPOL, UNODC, the Office of the United Nations High Commissioner for Refugees (UNHCR), and international criminal law experts — identified good practices and challenges in this area. The Executive Directorate also continued to engage with UNHCR to identify relevant issues, challenges and good practices in this area, to be considered within the framework of country assessment visits.

Paragraph 11: ratifying, acceding to, and implementing relevant international conventions to support international cooperation in criminal matters

The Committee and the Executive Directorate continued to encourage Member States to ratify and implement the relevant international instruments within the framework of country visits and their ongoing cooperation with international and regional organizations, including UNODC. The Executive Directorate notably facilitated a legislative drafting workshop for Iraq on drafting counter-terrorism legislation that includes measures to strengthen regional and international cooperation in criminal matters in relation to counter-terrorism.

Paragraph 12: developing law enforcement and judicial cooperation regarding trafficking in cultural property

With regard to developing law enforcement, the Executive Directorate notably supported the Customs Enforcement Network of the World Customs Organization and its enforcement security programme, which was implemented by the United Nations Counter-Terrorism Centre.

Paragraph 13: extradition and mutual legal assistance

The Executive Directorate notably facilitated technical assistance in the following areas:

- Support for the Euro-Mediterranean Partnership police and justice programmes on strengthening judicial and law enforcement cooperation in the Mediterranean, through the participation of Executive Directorate experts in four training sessions for judicial and law enforcement officials and the provision of input for programme materials. The Executive Directorate notably supports the Partnership in its efforts to promote and strengthen the gathering of electronic evidence and to encourage communications service providers to share information about their rules for informal and formal mutual legal assistance (for example, with respect to subscriber information, metadata, emergency requests and access to content).
- Facilitation of fundraising for a joint project of UNODC and the International Association of Prosecutors aimed at enabling central authorities, investigators and prosecutors to respond more effectively to requests under mutual legal assistance for digital evidence from foreign jurisdictions, including from private communications service providers. The Executive Directorate, UNODC and the International Association of Prosecutors will hold an initial expert meeting in February 2018 and a second in mid-2018 with a view to developing a practical guide to requesting and gathering electronic evidence, based on national manuals/protocols and the current work of UNODC in this area. The guide will identify steps to be taken at the national level to gather, preserve and share

electronic evidence, with the overall goal of increasing the efficiency of global practice with regard to mutual legal assistance.

- Organization of a regional meeting on effective central authorities, in cooperation with UNODC, for States members of ASEAN and the South Asian Association for Regional Cooperation, held from 7 to 9 November 2017.

Paragraph 14: counter-narratives against violent extremist propaganda and incitement, including on the Internet and social media

The Executive Directorate worked with entities of the Counter-Terrorism Implementation Task Force to organize two workshops for South-East Asia and South Asia (held in September and December 2017, respectively) on countering violent extremism and incitement through community engagement. The Executive Directorate also worked closely with Facebook, Google, YouTube, Microsoft and Twitter within the framework of the establishment of the Global Internet Forum to Counter Terrorism and worked closely with start-up technology companies, civil society, and academia to launch the Knowledge-Sharing Platform, aimed at encouraging self-regulation by the industry to address terrorist exploitation of the Internet. The Platform was launched on 29 November 2017. Within the framework of the Tech against Terrorism initiative, a number of workshops were held around the world to promote the voluntary adoption of counter-terrorism measures by the information and communications technology industry.

Paragraph 15: establishing laws and mechanisms for international cooperation

The Executive Directorate continued to encourage Member States to appoint central authorities for mutual legal assistance and extradition, enhance joint investigation mechanisms, and introduce electronic communication and universal templates into mutual legal assistance procedures. The need to enhance such mechanisms was also stressed in the updated Technical Guide and the Executive Directorate's assessments and included as a recommendation to the Committee in the report submitted to it pursuant to paragraph 21 of resolution 2322 (2016). The Executive Directorate also continued to work with UNODC and the International Association of Prosecutors to facilitate the global joint project on "Strengthening the legal regime against terrorism", aimed at assisting Member States to establish effective mechanisms for international cooperation in criminal matters; strengthening the capacity of criminal justice officers to prosecute and adjudicate terrorism cases; and enhancing the capacity of central authorities, investigators and prosecutors to obtain electronic evidence.

Paragraphs 16 and 17: INTERPOL and its databases

Within the framework of their formal cooperation arrangement, signed on 21 July 2017, the Executive Directorate and INTERPOL continued to develop a strategic joint action plan to further strengthen their cooperation in preventing and countering terrorism. The Committee and the Executive Directorate also raised Member States' awareness of the urgent need to enhance the use of INTERPOL databases, including in the context of meetings and events on civil aviation security, law enforcement cooperation, and foreign terrorist fighters. Within the framework of its efforts to facilitate the delivery of technical assistance to Iraq, the Executive Directorate worked with INTERPOL and the International Organization for Migration (IOM) on linking the Fixed INTERPOL Network Database and the Iraqi national police network, and supported the humanitarian border management project of IOM aimed at enhancing border-screening procedures in Iraq.

Paragraph 18: developing 24/7 networks

The Committee and the Executive Directorate worked closely with INTERPOL and UNODC to encourage the development of networks that operate 24 hours a day, seven days a week. The need to develop such networks was also stressed in the updated Technical Guide and included as a recommendation to the Committee in the report submitted to it pursuant to paragraph 21 of resolution 2322 (2016). The Executive Directorate also continued to work closely with the Council of Europe and its member States to further promote the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism, of 2015, as a good practice in responding to the foreign terrorist fighter phenomenon, in the context of both criminalizing the conduct of foreign terrorist fighters and establishing a 24/7 law enforcement cooperation network operating 24 hours a day, seven days a week. The Protocol entered into force in July 2017.

Paragraph 19: role of the Committee and the Executive Directorate in promoting international cooperation

The Committee and the Executive Directorate held a number of meetings and other events aimed at identifying gaps and trends in international judicial and law enforcement cooperation and exploring ways to address them:

- On 20 and 21 June 2017, the Committee and the Executive Directorate held a special meeting and a technical consultation with international, regional and subregional organizations on international judicial and law enforcement cooperation in counter-terrorism matters pursuant to Security Council resolution 2322 (2016) and other relevant Council resolutions. The two events enabled Member States and around 50 international and regional organizations to identify challenges and good practices in strengthening international law enforcement and judicial cooperation.

- On 19 September 2017, during the general debate of the seventy-second session of the General Assembly, the Executive Directorate and the International Centre for Counter-Terrorism (The Hague) organized a side event on the topic "Bringing terrorists to justice in a (post-)conflict landscape: narrowing the impunity gap". The event served to develop the basis for further discussion on the role of the military in supporting the collection, sharing and use of evidence aimed at promoting rule of law- and human rights-compliant criminal justice responses to terrorism.

- The Committee held an informal open briefing on legal issues and challenges relating to the treatment and prosecution of returning foreign terrorist fighters, including emerging issues, on 8 November 2017. The participants addressed key emerging issues in the collection of evidence from the battlefield with the support of the military.

- The Committee held an open briefing on developing national and regional comprehensive and integrated counter-terrorism strategies (lessons learned) on 31 October 2017 to strengthen coordination and cooperation among Member States and international and regional organizations to counter terrorism.

- On 16 November 2017, the Committee held an open meeting with its Global Counter-Terrorism Research Network partners on recent trends in terrorism and counter-terrorism, aimed at supporting the Committee, the Executive Directorate and the research community in analysing and discussing emerging issues, trends and developments relating to resolutions 1373 (2001), 1624 (2005) and 2178 (2014) and subsequent relevant resolutions of the Council. The discussions focused on (a) implementation of resolution 2178 (2014) in the context of the challenge of returning and relocating foreign terrorist fighters;

(b) national practices in countering violent extremism, which can be conducive to terrorism; and (c) the protection of civilian ("soft") targets.

The following activities were aimed at identifying current trends and gaps in international cooperation:

- The Executive Directorate worked with UNODC and the International Association of Prosecutors on a joint project aimed at assisting Member States to strengthen the capacity of central authorities, investigators and prosecutors to obtain electronic evidence.
- The Executive Directorate provided inputs for the fourth report of the Secretary-General on the threat posed by ISIL (Da'esh) to international peace and security and the range of United Nations efforts in support of Member States in countering the threat (S/2017/97), which identified current trends relating to the global terrorist threat, including the threat posed by foreign terrorist fighters.
- In March 2017, the Executive Directorate issued a trends report on physical protection of critical infrastructure against terrorist attacks, which examined international efforts to protect critical infrastructure, including from terrorist threats. The report was based on information gathered from its Global Research Network partners.
- The Executive Directorate is a member of the thematic working group of the Counter-Terrorism Implementation Task Force on protection of critical infrastructure including vulnerable targets, Internet and tourism security.
- Within the framework of its assessments and dialogue with Member States and partners, the Executive Directorate identified persistent gaps in the implementation of related areas of Council resolutions 1373 (2001), 1566 (2004) and 2341 (2017).

Paragraph 20: request to UNODC, in close consultation with the Committee and the Executive Directorate, to further enhance its provision of technical assistance to States and continue its efforts to promote, inter alia, international cooperation in criminal matters related to terrorism

UNODC continued to participate in the Committee's assessment visits. The Executive Directorate continued to share the identified needs with UNODC and to facilitate delivery of related technical assistance needs in cooperation with UNODC and entities of the Counter-Terrorism Implementation Task Force. The Committee and the Executive Directorate also worked closely with the Global Counterterrorism Forum to address the identified technical assistance needs. The Executive Directorate also contributed to a number of UNODC technical assistance initiatives, such as the joint Executive Directorate/UNODC/European Union initiative on enhancing counter-terrorism investigations and prosecutions in States of the Maghreb. The Executive Directorate held two regional events, on the investigation and prosecution of inchoate offences (Tunis, January 2017) and on formal and informal counter-terrorism cooperation (Nouakchott, July 2017).

Paragraph 21: request to the Executive Directorate to prepare a report on the current state of international law enforcement and judicial cooperation

With the assistance of UNODC and in consultation with the Counter-Terrorism Implementation Task Force Office, the Executive Directorate prepared a report identifying major gaps in international law enforcement and judicial cooperation and providing recommendations to the Committee on ways to address them. The report was submitted to the Committee on 12 October 2017 and presented at its meeting of 26 October 2017.